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Group, Inc., CXO Media, Inc. and Steve Ragan

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RIVER CITY MEDIA, LLC, a Wyoming
limited liability company, MARK
FERRIS, an individual, MATT FERRIS,
an individual, and AMBER PAUL, an
individual,

Plaintiffs,

vs.

No. 2:17-cv-105-SAB

DEFENDANTS INTERNATIONAL DATA
GROUP, INC.'S, CXO MEDIA, INC.'S,
STEVE RAGAN'S, AND KROMTECH
ALLIANCE CORPORATION'S
RESPONSE TO PLAINTIFFS AND
DEFENDANT CHRIS VICKERY'S "RULE
26(f) DISCOVERY SCHEDULING AND
PLANNING CONFERENCE REPORT"

IDG'S, CXO MEDIA, INC.'S, STEVE RAGAN'S, AND
KROMTECH ALLIANCE CORPORATION'S
RESPONSE TO PLAINTIFFS AND DEFENDANT
CHRIS VICKERY'S "RULE 26(f) DISCOVERY
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REPORT"

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KROMTECH ALLIANCE CORPORATION, a German corporation, CHRIS VICKERY, an individual, CXO MEDIA, INC., a Massachusetts corporation, INTERNATIONAL DATA GROUP, INC., a Massachusetts corporation, and STEVE RAGAN, an individual, and DOES 1-50,

Defendants.

Defendants International Data Group, Inc. (“IDG”), CXO Media, Inc. (“CXO”), Steve Ragan (“Ragan”), and Kromtech Alliance Corporation (“Kromtech”) respectfully submit this response to the “Rule 26(f) Discovery Scheduling and Planning Conference Report” (ECF 48) filed by Plaintiffs River City Media, LLC, Mark Ferris, Matt Ferris, and Amber Paul, and Defendant Chris Vickery on July 3, 2017.

Kromtech, CXO, Ragan, and IDG have filed motions to dismiss (ECF 12, 14, 41), which are set to be heard August 16, 2017 (IDG’s and CXO’s and Ragan’s Motions were initially scheduled for July 13, 2017 but continued for convenience of Plaintiffs’ counsel). Defendant Vickery has not filed any motions in response to the Complaint, but instead filed his Answer on June 12, 2017 (ECF 46).

Kromtech, CXO, Ragan, and IDG believed it was likely the Clerk had not yet sent the Notice of Court’s Scheduling Conference pursuant to Local Rule 16.1(a) because the Court may first want to rule on the pending motions to dismiss. Accordingly, they

IDG’S, CXO MEDIA, INC.’S, STEVE RAGAN’S, AND KROMTECH ALLIANCE CORPORATION’S RESPONSE TO PLAINTIFFS AND DEFENDANT CHRIS VICKERY’S “RULE 26(f) DISCOVERY SCHEDULING AND PLANNING CONFERENCE REPORT”
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1 suggested to Plaintiffs' counsel that all parties wait to conduct the Rule 26(f) conference
2 until the Court's issuance of a LR 16.1(a) Notice, and to confer promptly thereafter.
3 Consistent with this position, Kromtech, CXO, Ragan, and IDG have not yet conducted
4 their respective Rule 26(f) conferences with Plaintiffs' counsel.
5

6 Defendant Vickery conducted his Rule 26(f) conference with Plaintiffs on June 19,
7 2017—one week after filing his Answer to the Complaint. As explained above,
8 Kromtech, CXO, Ragan, and IDG did not participate in that conference. Accordingly,
9 Kromtech, CXO, Ragan, and IDG have not yet conferred with Plaintiffs—nor reached
10 any agreement—regarding the subjects and proposed deadlines set forth in Plaintiffs'
11 Rule 26(f) Report.
12

13 In response to Plaintiffs' and Defendant Vickery's request that the Court issue a
14 Scheduling Order (ECF 48 at 2:20-21), Kromtech, CXO, Ragan, and IDG respectfully
15 request that the Court not issue a Scheduling Order at this time on the basis of less than
16 all the parties' input, and instead provide clarification regarding (1) whether the Court
17 will defer issuing a LR 16.1(a) Notice until after the Court has heard and ruled on the
18 pending dispositive motions; or (2) whether the Court wishes to have all parties confer
19 and submit a Rule 26(f) Report prior to the Court's rulings on the pending dispositive
20 motions.
21
22
23

24 IDG'S, CXO MEDIA, INC.'S, STEVE RAGAN'S, AND
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Respectfully submitted this 14th day of July, 2017.

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1 I hereby certify that on July 14, 2017, I electronically filed the foregoing with the
2 Clerk of the Court using the CM/ECF System which will send notification of such filing
3 to the following:
4

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